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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,194	02/20/2004	Michael Istschenko	4879-25	6174

27799 7590 06/01/2005

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EXAMINER

LORENCE, RICHARD M

ART UNIT PAPER NUMBER

3681

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/783,194

Applicant(s)

ISTSCHENKO ET AL.

Examiner

Richard M. Lorence

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/20/04 & 8/19/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This is the first Office action on the merits of Application No. 10/783,194 filed on February 20, 2004. Claims 1-12 are currently pending.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

The drawings are objected to because of the following informalities:

In Figure 3 the lead line associated with the reference numeral 64 has been omitted.

In Figure 6 the lead lines associated with the reference numerals 74 and 76 are misdirected.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Peterseim et al. (US 2003/0234149 A1). Note Figure 1 which shows the friction clutch including the housing 2, pressure plate 1 and force exerting arrangement 3. Further note the embodiment depicted in Figures 5-7 including the friction disk having a plurality of friction lining segments 5' mounted on a ring-shaped carrier (not-numbered) connected to the pressure plate for limited axial movement.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda '353 in view of Flotow et al. '973. The '353 patent to Maeda discloses a friction clutch including the housing 12, pressure plate 13, force exerting arrangement 14 which may take the form of a diaphragm spring (column 3, lines 35-37),

and friction disk 15 connected to the pressure plate for limited axial movement. Maeda does not disclose the friction lining element carried on the friction disk 15. Flotow et al. suggests mounting friction elements 28 to a pressure plate 26 so that no friction elements need to be mounted on the driven disk, whereby the inertia of the driven disk can be reduced, resulting in decreased wear of the transmission synchronizer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the friction disk 15 of Maeda with at least one friction lining in view of the suggestion of Flotow et al. that such an arrangement allows the usual friction lining associated with the clutch driven disk to be dispensed with, resulting in the advantageous result of reduced driven disk inertia and reduced synchronizer wear.

Claims 2-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda '353 and Flotow et al. '973 as applied to claim 1 above, and further in view of Friedrich et al. (EP 1338680 A2). Neither Maeda or Flotow et al. disclose the area of the actuating surface having a surface normal which is not parallel to the axis of rotation as set forth in claim 2. Friedrich et al. '680 (EP) suggests forming the actuating surface 40 of a pressure plate 26 with a surface normal which is not parallel to the axis of rotation in order to improve the meterability of the clutch torque as described in paragraph [0007]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pressure plate of Maeda as modified by Flotow et al. with an actuating surface having a surface normal which is not parallel to the axis of rotation in order to realize the desirable result taught by Friedrich et al.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda '353 and Flotow et al. '973 as applied to claim 1 above, and further in view of Kosumi et al. '234. Neither Maeda or Flotow et al. disclose the plurality of friction disks connected to the housing and the at least one further friction disk connected to the hub as set forth in claim 7. It has long been known that by providing a set of interleaved friction disks 9 such as shown in Kosumi et al., the amount of torque which may be transmitted by the clutch can be greatly increased without increasing the radial dimension of the clutch. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the pressure plate of Maeda as modified by Flotow et al. with a friction clutch of the type shown by Kosumi et al. having multiple driving and driven disks in order to increase the amount of torque which may be transmitted by the clutch without increasing the radial dimension of the clutch.

#### ***Prior Art Citation***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remainder of the prior art cited by applicant which is listed on the form PTO-1449 submitted with the Information Disclosure Statement filed on August 19, 2004 has been considered. The examiner further cites Friedrich et al. (US 2004/0104093 A1) which is equivalent to EP 1388680 applied above; and Ban '683, Naudin '083 and Hofmann et al. '997 (GB) each of which show a friction clutch having a pressure plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard M. Lorence whose telephone number is (571) 272-7094. The examiner can normally be reached on Mondays through Fridays from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Richard M. Lorence  
Primary Examiner  
Art Unit 3681

Lorence/rml